

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

COURTHOUSE NEWS SERVICE,

Plaintiff,

v.

NEW MEXICO ADMINISTRATIVE
OFFICE OF THE COURTS;
ADMINISTRATIVE OFFICE DIRECTOR
ARTHUR W. PEPIN; NEW MEXICO FIRST
JUDICIAL DISTRICT COURT CLERK'S
OFFICE; and the FIRST JUDICIAL
DISTRICT COURT CLERK KATHLEEN
VIGIL

Defendants.

Civil Action No. 1:21-cv-00710-JB-LF

CONSENT JUDGMENT

Plaintiff Courthouse News Service ("Courthouse News") has asserted that the practice of the New Mexico Administrative Office of the Courts ("AOC" or "Defendant") in restricting public access to newly e-filed, non-confidential civil complaints until after they are reviewed and accepted by New Mexico District Court clerks, and the resulting delays in access, constitutes a violation of Courthouse News' First Amendment right of access to those complaints.

Mediation was held in this matter on October 10, 2023, and settlement discussions continued thereafter. By agreement reached by the parties following mediation, the parties hereby stipulate and agree that all matters currently in controversy between them have been settled, and that in furtherance thereof, this Consent Judgment should be entered as follows:

1. The Court finds that it has jurisdiction over the parties and the subject matter of this action, which was commenced by Courthouse News' filing of a Complaint on July 30, 2021.
2. To facilitate the resolution of this matter, AOC has agreed to develop and

implement a system that, once implemented, will provide the press and public access to new non-confidential civil complaints as they are received by the New Mexico state district courts via New Mexico's statewide e-filing system, and before processing, review, or acceptance by district court clerks or staff.

3. Specifically, AOC shall develop and implement an electronic queue ("Electronic In-Box") through which non-confidential civil complaints shall be accessible upon receipt by the New Mexico state district courts on a publicly-accessible website maintained by AOC. The Electronic In-Box shall be implemented, and non-confidential civil complaints shall be accessible via the Electronic In-Box, pursuant to the following schedule:

- a. Within three (3) months of December 18, 2023, AOC shall develop a technical implementation schedule. AOC thereafter shall provide Courthouse News with two bimonthly reports confirming progress developing the Electronic In-Box in accordance with Defendant's technical implementation schedule.
- b. Within nine (9) months of December 18, 2023, Defendant shall make the Electronic In-Box available remotely online to registered members of the press or public. Defendant agrees to provide CNS written notice confirming the Electronic In-Box is operational pursuant to this subsection.

4. Within ten (10) days after implementation of the Electronic In-Box pursuant to the deadline established by Section 3.b., above, Defendant shall pay to CNS the sum of Two Hundred Thousand Dollars (\$200,000) in satisfaction of CNS's claim for attorneys' fees and costs pursuant to 48 U.S.C. Section 1988.

5. This Consent Judgment disposes of all claims by Courthouse News, including Courthouse News' claim for declaratory and injunctive relief pursuant to 42 U.S.C. Section 1983, and Courthouse News' claim for attorneys' fees and costs pursuant to 42 U.S.C. Section 1988.

DATE:

HONORABLE JAMES O. BROWNING
UNITED STATES DISTRICT JUDGE

SUBMITTED BY:

PEIFER, HANSON, MULLINS & BAKER, P.A.

By: /s/ Gregory P. Williams
Gregory P. Williams
P.O. Box 25245
Albuquerque, NM 87125-5245
Tel: (505) 247-4800
Email: gwilliams@peiferlaw.com

- and -

JACKSON WALKER L.L.P.

By: /s/ John K. Edwards
John K. Edwards
Texas Bar No. 24002040
Email: jedwards@jw.com
Charles L. Babcock
Texas Bar No. 01479500
Email: cbabcock@jw.com
1401 McKinney, Suite 1900
Houston, Texas 77010
Tel: (713) 752-4200

- and -

BRYAN CAVE LEIGHTON PAISNER LLP

By: /s/ Jonathan G. Fetterly
Jonathan G. Fetterly
Three Embarcadero Center, 7th Floor
San Francisco, CA 94111-4070
Tel: (415) 675-3451
Email: jon.fetterly@bclplaw.com

Attorneys for Plaintiff Courthouse News Service

APPROVED BY:

NEW MEXICO OFFICE OF THE ATTORNEY
GENERAL

By: Mark W. Allen
Mark W. Allen
Erica Schiff
Jeffrey Herrera
Assistant Attorneys General
Post Office Drawer 1508 (87504-1508)
408 Galisteo St.
Santa Fe, NM 87501
Tel.: (505) 490-4060
Fax: (505) 490-4881
nsydow@nmag.gov
mallen@nmag.gov
vamada@nmag.govjherrera@nmag.gov

*Attorneys for Defendants New Mexico
Administrative Office of the Courts, Director
Arthur W. Pepin, New Mexico First Judicial
District Court Clerk's Office, and the First
Judicial District Court Clerk Kathleen Vigil*